WP(C) 5439/2006
BEFORE
THE HON'BLE MR JUSTICE D. BISWAS, CHIEF JUSTICE(ACTG.)
THE HON'BLE MR JUSTICE B.D.AGARWAL

Heard Mrs B. Goyal, learned State counsel, Assam, Mr B. Banerjee, learned State counsel, Arunachal Pradesh and Mr AK Talukdar, learned counsel for the respondent Nos.5 and 6.

2. It appears that this taken up matter was registered on the basis of a complaint lodged by Smti Hamida Khatun, mother of Miss Shahnaz Parbin Chowdhury, aged about 16 years and Master Iqbal Bahar Choudhury, aged about 13 years. The allegation made is that the police have taken away the aforesaid two children from her custody.

3. From the additional affidavit dated 23.11.2006 filed by the Superintendent of Police, Nagaon it appears that the Judicial Magistrate, 1st Class, Tezu by the order dated 8.8.2006 passed in Title(Restitution) Suit No.6/2004 directed that the aforesaid two children be handed over to their father namely Md Azad Choudhury.

4. It is submitted by the Superintendent of Police, Nagaon that in pursuance of the aforesaid direction, the aforesaid two children were taken into custody and handed over to their father.

5. In view of the aforesaid situation, we close this petition with direction to the Registry to inform the petitioner that she may pursue her remedies before the appropriate forum either by filing an application for review or by appeal/revision for reversal of the order passed by the Judicial Magistrate, 1st Class, Tezu, Arunachal Pradesh.